

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks

report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

Measures Heard HB 2039

HOUSE COMMITTEE ON LEGISLATIVE RULES AND REAPPORTIONMENT

January 17, 1991Hearing Room E 5:00 p.m.Tapes 1 - 2

MEMBERS PRESENT:Rep. Greg Walden, Chair Rep. Peter Courtney, Vice-Chair Rep. Ray Baum Rep. Margaret Carter Rep. Ron Cease Rep. Beverly Clarno Rep. Carl Hosticka Rep. Bill Markham Rep. Tom Mason Rep. Randy Miller Rep. Fred Parkinson

STAFF PRESENT: Greg Leo, Committee Administrator Adrienne Sexton, Committee Administrator Carol Wilder, Committee Assistant

WITNESSES: John Lattimer, Legislative Fiscal Doug Wilson, Legislative Fiscal

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TAPE 1, SIDE A

006 CHAIR WALDEN calls the meeting to order at 5:02 p.m.

-Introduces staff members. -Explains duties of Rules Committee, role of staff, and committee office location. -Asks members to consider Exhibit A, relating to reapportionment portion of the Rules for the committee.

045 REP. MASON: Asks about the extension of the confidentiality of Legislative Counsel Committee to the Reapportionment Committee.

048 CHAIR WALDEN: One of the first charges of the Subcommittee on Reapportionment will be to discuss the access to that.

050 SEXTON: Discusses the draft Rules. Exhibit A and the addition of #14 to the Model Rules has been reviewed by Legislative Counsel and the Chief Clerk and accepted by both of them. LC indicates in Exhibit A that the Committee can authorize the use of those facilities for making maps for district boundary descriptions on a reserve basis and defining those committee facilities as the members' facilities. That extends then to

the members' privilege with confidentiality with LC to the facilities as they are used for redistricting purposes.

082 REP. MASON: Thinks that's an excellent idea. Having been through this process once, it will help things out a great deal.

085 SEXTON: There are two committees--a House and a Senate one. The Senate committee is also reviewing this same proposal. More specificity as to the committee authorizing its electronic data processing facilities would involve both committees. Amend statement to say this committee may authorize the use of the electronic data processing facilities reserved for the making of maps or preparation of district boundary descriptions. That would permit the Senate committee to adopt the same or similar guidelines.

092 REP. MASON: The last time we used the Highway Division computer facilities to do all the mapping.

100 REP. HOSTICKA: When we do submit a plan on redistricting, is a map considered part of the bill or will the bill in the end have to be reduced to a verbal description?

105 CHAIR WALDEN: My understanding is that the actual bill will be the census tract numbers, but staff may want to elaborate on that.

108 SEXTON: The language currently contained in the ORS section which defines the legislative and congressional districts came from a bill for an act which said that in the case of Congressional districts the State of Oregon is portioned into five Congressional districts composed respectively of the following counties or parts thereof. It itemizes counties and the enumeration districts, blocks, and census tract numbers that were allocated to each of the districts. The same process is applied to the legislative districts and would be the same type of language. A map as an exhibit would be filed with the Secretary of State and would give a pictorial representation of those enumerated items in the bill for an act.

115 REP. HOSTICKA: Any list of enumeration districts is considered the equivalent of a map for the purposes of this rule. It's under the heading of other printouts.

121 SEXTON: Would the sentence that reads in part, "for the making of maps for the preparation of district boundary descriptions", accommodate your need?

125 REP. HOSTICKA: Yes, if that's what that means.

129 REP. COURTNEY: What do you mean by Rule #11?

138 CHAIR WALDEN: My goal as Chair is to provide that flexibility so that members have every opportunity to file minority reports should they wish to. That would be a 48-hour, two session day later time. You need to make notification at the end of the day on which final committee action on a measure is taken. If I'm not available, you can notify the Committee Administrator.

140 : REP. COURTNEY: How many people?

142 CHAIR WALDEN: The House Rules say no less than two.

145 REP. MASON: Where you do require written amendments within 48

hours of the committee meeting, the committee meeting notice itself might be only 24 hours.

155 CHAIR WALDEN: The Chair has the ability to waive that requirement at any time.

158 REP. PARKINSON: If you give oral notification during the meeting, you wouldn't have to have written, would you?

160 CHAIR WALDEN: That would be fine with me. It's up to the consensus of the committee.

165 REP. CEASE: Likes the idea of putting it in writing.

167 REP. CARTER: Thinks either written or oral would be an appropriate action to take.

173 REP. COURTNEY: Either let you know orally or by a note by the end of the day on which we're working on it?

175 CHAIR WALDEN: That's correct.

180 MOTION: Rep. Mason moves to adopt the proposed Rules (as embodied in memo dated 1/15/91) including Exhibit A, as amended by staff recommendation.

VOTE: In a roll call vote, the Motion was unanimously approved.

182 CHAIR WALDEN: Rules are adopted. - Asks SEXTON to discuss redistricting.

222 SEXTON: This Committee is called the House Committee on Legislative Rules and Reapportionment. - Discusses difference between redistricting and reapportionment. Congress is reapportioned and we get the final number from Congress as to how many seats we have. Then the Legislature gets to redistrict or redraw the boundaries of those Congressional seats. The Legislature also gets to redistrict itself. - The Legislature must redistrict itself by July 1 of the regular session following the enumeration of the U.S. If it doesn't meet that deadline, the task falls to the office of the Secretary of State. Deadline to receive data is April 1. We may receive earlier.

- Facilities will be located in the 347 complex on third floor for both Senate and House. There will be four trained technicians who will operate the GIS equipment. A plotter is available for large plots at GIS on contract basis. Presently interviewing for technicians.

398 CHAIR WALDEN: When will technical staff be hired?

400 SEXTON: Early next week. We are checking references.

405 REP. MILLER: If the issues of Measure 5 cause us to adjourn early and reconvene and we are unable to accomplish this task prior to that early adjournment, are we still in business if we came back into a special session? Also, what is an enumeration?

TAPE 2, SIDE A

010 SEXTON: If the Legislature adjourns prior to the enactment of a bill outlining Legislative district boundaries, the Legislature will

have passed the task to the Secretary of State for legislative boundaries. If the Legislature adjourns without a Congressional plan in place, it could do that at any subsequent special session within the "reasonable" time frame.

035 REP. MILLER: Your definition of enumeration is completion of the Census, not necessarily distribution of information?

040 SEXTON: It is the physical enumeration of the population and not the distribution.

050 CHAIR WALDEN: That's why the reapportionment issue is on fast track. We will be appointing a subcommittee on redistricting and will begin meetings and field hearings right away. We have to do everything we can to meet a March 29 deadline if at all possible.

060 REP. HOSTICKA: The Department of Commerce has indicated that they may publish corrected counts not later than July 15. Does the release of corrected data invalidate our plan?

068 SEXTON: Discusses question of statistical adjustment of census data and the New York suit against the Commerce secretary. The result was the Department secretary said a decision might not be made until July 15 whether or not to adjust. The question as to whether or not it would invalidate the plan if the Legislature proceeded at this time would be for the courts to answer.

114 REP. COURTNEY: How long do we wait on the count before we start moving on our own?

127 CHAIR WALDEN: We need to hold hearings in various parts of the state to solicit input from affected parties regarding redistricting in general - do that work until we can get the numbers. We have Rules to adopt relative to the access of the facilities to other members.

130 REP. COURTNEY: If no count comes in before we sine die, is it the Chair's position that we are dead in the water in terms of any meaningful plan that could end up in the Court or the Secretary of State?

143 CHAIR WALDEN: We may have some options. The process is beginning. We are operating under the assumption we will get the numbers.

154 REP. MASON: What type of variation are we talking about these various counts?

160 SEXTON: The smaller the deviation for Congressional districts the less challengeable you are. The one-person, one-vote doctrine really holds on that one. Legislative districts seem to have a little more leeway. Legislative Counsel would advise that be kept to an absolute minimum. The last plan that was enacted for the Legislature had an overall deviation of 5% plus or minus 2-2/1%. That particular aspect of the plan was not challenged. The advantage of having the Census data is that it is small geography data and is easier to reach population equality constraints of the Constitution. The information that we have at this time is the preliminary counts that were issued by the Census Bureau after a local review program took place at post-Census which added some population to what they came out with immediately after the Census took place. Those are by county and within counties

the incorporated city locations. The small Census geography is not there.

180 CHAIR WALDEN: Asks for further questions.

- Makes appointments for Subcommittee, as follows: Rep. Courtney as Vice Chair, Rep. Walden as Chair; Reps. Baum, Carter, Miller, Mason, Campbell (Markham as alternate). The Subcommittee will generally meet Tuesdays and Thursday at 8:00 a.m. in Room 350. Full committee will meet in Hearing Room E at the 5:00 time at the call of the Chair.

HB 2039 - LEGISLATIVE AUDIT COMMITTEE, PUBLIC HEARING Witnesses:  
John Lattimer, Legislative Fiscal Doug Wilson, Legislative Fiscal

213 JOHN LATTIMER, LEGISLATIVE FISCAL OFFICER: Bill was drafted by Joint Legislative Audit Committee. Joint Legislative Audit Committee was established by the last legislative assembly to undertake program evaluations, reviews, and performance audits of State agencies' programs and operations. The bill does two things: it changes the membership and adds members to the committee, and gives the audit committee the authority to look into records of State agencies.

270 REP. MASON: You make it a crime to reveal any of the information contained in the records. What if a member revealed this information on the floor of the House or Senate where they are constitutionally protected?

274 LATTIMER: We don't intend to reveal any information we gather under the auspices of this piece of legislation to anybody. We would keep it confidential in our records and files.

278 REP. MASON: You're going to have a hard time keeping that confidential in your files if the Chairman of the committee asks you for the information.

280 LATTIMER: We would have to cite the Act as the reason why we couldn't do that.

297 REP. MASON: How does the Committee get to the information when the members don't?

300 LATTIMER: This is for our research purposes. We would not be able to reveal individual records that we obtain in our research in doing our performance audits, evaluations or reviews.

304 REP. HOSTICKA: Where in the bill does it makes it a crime?

310 LATTIMER: It's not expressly written in the bill; it may be in the cross references. I would have to check with Counsel.

320 REP. COURTNEY: Is this more of an interim committee rather than a legislative committee?

322 LATTIMER: This is a statutory committee of the legislature.

324 REP. COURTNEY: There will be eight members of the Emergency Board on there?

334 LATTIMER: That's correct. This legislation attempts to make it more broad by adding more members.

367 REP. MASON: As I read Section 2, it says the Joint Legislative Audit Committee or its designee shall have access to examine; it doesn't say the Legislative Fiscal Office there. The Joint Legislative Audit Committee means members of the committee (elected legislators), so I would think you might want to consider amending the bill saying the Legislative Fiscal Office shall have access. The way the bill is written now, it seems to say the committee has access to the records.

388 LATTIMER: The designee would be either us or the State Auditor. I would have to talk to Legislative Counsel about this because they drafted it.

404 :REP. MASON: The crime would have to be specified.

408 REP. HOSTICKA: There is a provision in the law that covers the Department of Revenue in their gathering of information for making adjustments in the timber severance tax that has the language of the type you want here regarding disclosure. The Revenue staff could refer you to the appropriate language that you're probably looking for.

422 REP. MARKHAM: I believe that the fine for disclosure in the Department of Revenue is \$10,000.

TAPE 1, SIDE B

001 CHAIR WALDEN: Can you describe some of the programs that you did audit last time?

003 LATTIMER: Discusses audits of three program budgets in the areas of housing, children, and employment and training.

019 REP. COURTNEY: How many members of the committee are Ways and Means members?

020 LATTIMER: Five out of nine. We also did a program evaluation of the student accounting system.

038 REP. CEASE: Did you use confidential records for those reports?

041 LATTIMER: With the student accounting system study, we went through the Office of the Superintendent. LC thought we should have the authority to do it in statute.

047 REP. CARTER: Discusses politics of evaluating programs - bureaucrats won't give them the information.

064 REP. CLARNO: The Committee on Agency Reorganization and Reform is looking at confidentiality rules in agencies under Human Resources umbrella to decide how to get them to coordinate their programs better - confidentiality rules are federally driven. Are you aware of that?

071 LATTIMER: Part of their problem is with the Social Security Act and Social Security numbers. The problem we faced was a court ruling and some federal rules on confidentiality in access to student records. It required us to get the Superintendent of Education to agree that we would be his representatives in the school district for the purposes of doing this audit. He did that.

082 REP. CLARNO: Which would have nothing to do with federal mandates but with state policy or mandate, is that correct?

085 LATTIMER: No, this was actually a federal rule.

089 CHAIR WALDEN: John, you'll come back with some suggested changes.

Subcommittee will meet Tuesday at 8:00. Adjourns the meeting at 6:05 p.m.

Submitted by: Reviewed by:

Carol Wilder Adrienne Sexton Assistant Administrator

EXHIBIT LOG:

A - Proposed Committee Rules